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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Takeshi Kamata

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EXAMINER

TADAYYON ESLAMI, TABASSOM

ART UNIT

PAPER NUMBER

1712

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/523,975	<b>Applicant(s)</b> KAMATA ET AL.	
	<b>Examiner</b> TABASSOM TADAYYON ESLAMI	<b>Art Unit</b> 1712	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02/01/10.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03//25/10 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. ***Claims 1-2, 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larry L. Bleich et al ( U. S. Patent: 4877645, here after Bleich), further in view of James P. Liautauel et al ( U. S. patent: 3995772, here after Liautauel), and W. Katzschner et al (U. S. Patent: 4503437, here after Katzschner).***

Claims 1 and 2 are rejected. Bleich teaches a method of automatically mark an article transferred in one direction (applying colorant to the surface of an electric cable)[abstract lines 1-6, column 1 lines 1-3] , comprising the step of; storing in advance a pattern for coloring an outer surface of article with coloring agent [column 1 lines 39-43, column 2 lines 55-58] and supplying the coloring agent (colorant) and spouting a plurality of coloring agents as by spraying (inherently contains

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droplets) to form spots on the outer surface of the article( the marking is on the insulating coating of the wire, so it is on the outer surface of the wire), from a plurality of separate and spaced nozzles(46 and 50), arranged in a longitudinal direction of the article being transferred [fig. 5]. Bleich also teaches plurality of coloring agents of respective colors different from each others (42 and 52) [fig. 9, column 4 lines 39-4, column 6 lines 32-42], spouting a plurality of the coloring agents of respective specific amount where each nozzle having a separate coloring agent supply source connected therein toward the outer surface of the article according to the pattern in response to the detected transfer speed and where each nozzle for respective color arranged in a longitudinal direction of the article being transferred[fig. 9]. Bleich does not teach supplying a pressurized gas into a coloring agent and nor teaches existing a valve between the coloring agent supply and the nozzle. Liautauel teaches a method of putting colorant to an article (painting) where a compress air (supplying pressure gas into the container of the supplying source) exists on the coloring source and also teaches existing a valve (aperture, 30) between the supply source and the nozzle [column 1 lines 10-15, fig. 2]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a method of Bleich where a compress air exists on the coloring supply and a valve is between the nozzle and the coloring supply as Liautauel teaches, because Liautauel teaches a suitable method of painting an article. It is also inherent that the spouting of the coloring agents toward the outer surface if the article is due to the bias of the supplied pressure air. Although Bleich does not clearly teaches a detecting means for detecting the a transfer speed of an

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article, however it is obvious that the speed of the cable would benefit from control and monitored during the process, for example Katzschner teaches a method of automatically marking(labeling) an article with a device in which the article is transferred in one direction[abstract lines 1-2], comprising the steps of: storing in advance a pattern for coloring an outer surface of the article with a coloring agent of respective colors different from each other[ abstract last 3 lines], Katzschner teaches spouting coloring agent of respective specific amount toward the outer surface of the article according to the pattern[ abstract lines 1-end], and also teaches measuring the moving speed of the cable and a control means(SK and ST in fig. 1) for controlling the coating liquid jet based on the speed of the cable [ column 3 lines 14-53]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a method of Bleich and Liautauel teaches where the speed of the cable is determined and measure by the control means that Katzschner teaches, because Katzschner teaches a suitable control means for controlling the speed of the cable during marking process

Claims 3-4 and 7-8 are rejected for the same reason claim 1 is rejected. Although Bleich does not clearly teaches a detecting means for detecting the a transfer speed of an article, however it is obvious that the speed of the cable would benefit from control and monitored during the process, for example Katzschner teaches a method of automatically marking(labeling) an article with a device in which the article is transferred in one direction[abstract lines 1-2], comprising the steps of: storing in advance a pattern for coloring an outer surface of the article with a coloring agent of respective colors different from each other[ abstract last 3 lines], Katzschner teaches spouting coloring

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agent of respective specific amount toward the outer surface of the article according to the pattern[ abstract lines 1-end], and also teaches measuring the moving speed of the cable and a control means(SK and ST in fig. 1) for controlling the coating liquid jet based on the speed of the cable [ column 3 lines 14-53]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a method of Bleich and Liautauel teaches where the speed of the cable is determined and measure by the control means that Katzschner teaches, because Katzschner teaches a suitable control means for controlling the speed of the cable during marking process. The pressurized gas supply source connected to the coloring agent supply is in fact the air trapped between the wall and the container acts as the supply of pressure gas.

Claim 5 is rejected. Bleich teaches the plurality of nozzles arranged along circumferential direction around the article [fig. 3].

Claim 6 is rejected based on fig. 4 of the Bleich[column 4 lines 54-66].

Claim 7 is rejected for the same reason claims 3-6 are rejected. Bleich teaches a device body for receiving the storing means and the control means, wherein the device body comprises a plurality of connectors for connecting the device body to the spouting means and the connectors are provided in the same number as that of the spouting [fig. 8].

**4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Larry L. Bleich et al ( U. S. Patent: 4877645, here after Bleich), J. L. Burke et al ( U. S. Patent: 3021815, here after Burke), James P. Liautauel et al ( U. S. patent: 3995772, here after Liautauel), W. Katzschner et al (U. S. Patent: 4503437, here**

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***after Katzschner), further in view of Traut et al (U. S. Patent: 5237917, here after Traut).***

Claim 9 is rejected. Bleich, Liautauel, Katzschner teach the limitation of claim 8 as discussed above. They do not teach cutting the cable (electric wire) after transferring the cable in said one direction. Traut teaches a device for marking a cable with ink jet printer (nozzles) and cutting the cable afterward [abstract lines 1-end]. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to replace marking unit of the Traut device with what Bleich, Liautauel, Katzschner teach teach, because Bleich, Liautauel, Katzschner teach their device is capable to mark the electric wire.

### ***Response to Arguments***

5. Applicant's arguments, see Remarks, filed 02/01/10, with respect to the rejection(s) of claim(s) 1-9 under 35 U.S.C 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Bleich et al.

6. The applicant overally argues the references do not teach each respective color nozzle arranged in a longitudinal direction of the articles being transferred. The examiner disagrees, Fig. 8 and fig. 9 of Bleich clearly shows each respective color nozzle arranged in a longitudinal direction of the articles being transferred.

7. The applicant argues Katzschner does not teach as required in the present claims: such as spouting a plurality of coloring agents of respective specific amount, as a drop, to form spots on a wire, use of separate and spaced nozzles, each having a coloring a

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gent supply source with a valve between; or use of a plurality of separate and spaced nozzles that eject, [different colors]. However Katzchner is used here only as a tertiary reference for teaching of detecting speed of wire during coloring process.

8. The applicant argues Traut does not teach the nozzles are in longitude direction. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TABASSOM TADAYYON ESLAMI whose telephone number is (571)270-1885. The examiner can normally be reached on 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on 571-272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Michael Cleveland/

Supervisory Patent Examiner, Art Unit 1712